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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,321	11/24/1999	GREGG A. BONIKOWSKI	XER20308-D/9	6134

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11/04/2004

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EXAMINER

BRINICH, STEPHEN M

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/449,321

**Applicant(s)**

BONIKOWSKI ET AL.

**Examiner**

Stephen M Brinich

**Art Unit**

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-6 and 9-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-6 and 9-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

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**DETAILED ACTION**

***Drawings***

1. The drawings filed 8/7/2002 have been received. However, a review of the Office records does not show the corrected formal drawings (which were submitted 11/17/2003, according to Applicant's 4/12/2004 Remarks).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4-6, & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski et al (5164842) in view of Willard et al and Austin et al.

Re claim 1, Gauronski et al discloses a method for producing interrupting jobs for a document processing apparatus comprising a plurality of machine modules for processing and/or producing printed media (Figures 1-3). The method disclosed by Gauronski et al comprises the following steps: The main job is specified (column 5, line 65 - column 6, line 4), where the

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disclosed Job Scorecard of said main job inherently represents a measure of progress. The production of the main job is started (column 6, lines 22-31). The main job is interrupted at a point when productivity is maintained and media is not wasted based on the at least one measure of progress and the specified sample interval (column 7, lines 35-52). The interrupting job is produced (column 7, lines 53-60). Lastly, the main job is resumed (column 8, lines 4-9).

Re claim 10, Gauronski discloses, in a document processing apparatus including a plurality of machine modules that process and/or produce printed media, a method comprising the steps of specifying a job (column 5, line 54 - column 6, line 4), generating an interrupting job description (column 6, line 66 - column 7, line 16), and presenting the interrupting job description for processing and analyzing the interrupting job description (i.e. producing a printout of the interrupting job). An efficient point in the job to produce the samples is determined and the interrupt job is processed at that point (column 7, lines 35-60). The main job is then resumed (column 8, lines 4-9).

Gauronski et al does not disclose specifying a sample job including preselecting at least one representative part of the

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main job or specifying a sample interval for the at least one representative part.

Willard et al teaches (column 1, line 60 - column 2, line 12) a mode of operation for a printer where a currently running main print job is interrupted in order for a sample page of said print job to be sent to a sample print tray. The main job is resumed subsequent to this selection operation. This sample page is inherently a representative part of the main job to be sampled, as per the standard definition of the term "sample".

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gauronski et al so that the interrupting job was specified as a sample job including at least one representative part of the main job. The motivation for this modification would be in order to provide the advantage of permitting the printing system to be occasionally monitored to test and verify the printing quality of the output before an entire run had been produced (thus saving time and materials if the run is found to be unsuitable early in the process).

Gauronski et al in view of Willard et al does not disclose the providing of such a representative sample at predetermined intervals (thus preselecting as the samples those job portions which occur at the interval points).

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Austin et al teaches (column 10, lines 26-32) the providing of a sample at predetermined intervals.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to specify a sample interval for the at least one representative part. The motivation for this modification would be in order to insure that the printing system does not run without monitoring for more than a given length, thus limiting the number of unsuitable prints produced before the next check.

Re claims 4-6, Austin further discloses (column 10, lines 31-32) a step of measuring the predetermined sample interval in terms of copy quantity or in terms of time (e.g. every ten sheets or every five minutes) and generating a new sample job at the end of each such interval.

4. Claims 9 & 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauronski et al, Willard et al, and Austin et al as applied to claim 1 above, and further in view of van Lydegraf.

Re claim 9, van Lydegraf teaches (column 3, lines 13-25) the use of an exit system wherein an interrupting job is output to a different exit port than an interrupted main job. This would deliver the interrupting job at a convenient location apart from the main job delivery location. It would have been

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obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Gauronski, Willard and Austin so that the interrupting job was delivered at a convenient location apart from the main job delivery location. The motivation for this modification would be in order to process an interrupting job without mixing the sample pages produced therefrom into the main job.

Re claim 11, Gauronski et al further discloses a method for producing interrupting jobs for a document processing apparatus comprising a plurality of machine modules for processing and/or producing printed media under the control of a computing platform (60) in communication therewith (Figure 2).

Re claim 12, Gauronski et al further discloses (Figure 2) as parts of the processing apparatus a digital front end (50,51,52) and a mark facility controller (60) in communication with each other.

Re claims 13-14, Gauronski et al further discloses (Figure 2) as parts of the processing apparatus a paper feeder (107), a finisher (120), and a print engine (95).

#### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen

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M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 703-872-9306.

Hand-carried or courier-delivered correspondence pertaining to this application should be directed to

US Patent and Trademark Office  
220 South 20<sup>th</sup> Street  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington VA 22202

  
Stephen M Brinich  
Examiner  
Art Unit 2624

smb  
October 21, 2004